

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Logvinov et al.

U.S. Serial No.: 10/697,629

Filed: October 29, 2003

For: HIGHLY PROGRAMMABLE
MAC ARCHITECTURE FOR
HANDLING PROTOCOLS THAT
REQUIRE PRECISION TIMING
AND DEMAND VERY SHORT
RESPONSE TIMES

Group Art Unit: 2661

Examiner:

CERTIFICATE OF MAILING BY EXPRESS MAIL

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Date of Deposit: September 9, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service Express Mail Post Office to Addressee service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Alexandria, VA 22313-1450.

Print Name: Lori Goldman

Signature: *Lori Goldman*

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Commissioner for Patents
Alexandria, VA 22313-1450

DECLARATION OF JAMES REEBER

I, James Reeber, having personal knowledge of the facts stated herein, hereby state the following.

1. I am Director of Marketing of Arkados, Inc. ("Arkados"), a wholly-owned subsidiary of CDNnet.com, which has its offices at US Highway 22, North Plainfield, NJ 07060. I have been employed by Arkados since June 1, 2004. Arkados was formed on May 21, 2004 from the merger of Miletos, Inc. ("Miletos") and CDK Merger Corp. On

March 21, 2004, Miletos purchased the assets Enikia, LLC ("Enikia") at a public auction.

I was an employee of Enikia from August 15, 1998 through March 21, 2004.

2. I make this Declaration in support of Petition under 37 C.F.R. § 1.47(a) for joint inventor Mr. Oleg Logvinov to have the above-identified application made on behalf of himself and a nonsigning joint inventor, Mr. Fred Skalka.

3. On October 29, 2003, the above-identified application was filed with the United States Patent and Trademark Office ("USPTO"). The above referenced application claims priority of U.S. Provisional Application No. 60/422,026 filed October 29, 2002, which Mr. Logvinov and Mr. Skalka assigned to Enikia and was recorded with the USPTO at Reel 014587/ Frame 0789 on October 14, 2003.

4. According to Enikia's personnel records, Mr. Skalka had been employed by Enikia from August 14, 2000 to May 30, 2003. In addition, I have been informed that Mr. Skalka is currently involved in a litigation with Enikia concerning his employment with Enikia, and that such dispute with Enikia has been ongoing since before July 21, 2004.

5. On July 21, 2004, I sent an email to Mr. Skalka asking him to confirm that his mailing address was 630A Palmer Lane, Yardley, Pennsylvania. See Exhibit A.

6. In a reply email to me also dated July 21, 2004, Mr. Skalka confirmed that the address was correct. See Exhibit B.

7. Then, in a subsequent email to Mr. Skalka dated July 21, 2004, I asked Mr. Skalka if he would be interested in meeting with me for a "reunion," as I had

developed a friendly, personal relationship with Mr. Skalka while he had been an employee at Enikia. See Exhibit C.

8. Mr. Skalka responded to me by email on the same date (July 21, 2004) that he would rather "wait for some legal issues to settle down." See Exhibit D.

9. In an email to Mr. Skalka dated July 26, 2004, I enclosed a Declaration and Power of Attorney and Assignment for the above-identified application, and I requested that Mr. Skalka execute the documents and offered to meet him to pick up the executed documents. See Exhibit E.

10. In an email dated July 27, 2004, Mr. Skalka responded that he had executed the "assignment" earlier in the year. See Exhibit F.

11. In an email to Mr. Skalka dated August 3, 2004, I inquired whether Mr. Skalka had executed the declaration and assignment documents. See Exhibit G.

12. In a reply email to me dated August 3, 2004, Mr. Skalka responded "no" See Exhibit H. I then responded in an email (also dated August 3, 2004) asking Mr. Skalka to execute the documents, and stating that I believed that the documents previously signed (which Mr. Skalka referred to in his email of July 27, 2004) were for the provisional application from which the above-identified application claims priority and explained that the declaration and assignment that need to be executed concern the non-provisional ("utility" version) of that provisional application. See Exhibit I.

13. In an email to Mr. Skalka dated August 9, 2004, I once again inquired whether he had executed the documents and offered to meet him to pick up the executed documents. See Exhibit J.

14. In a reply email to me dated August 9, 2004, Mr. Skalka stated that "I hate to say this, but I'm waiting to here [*sic.*] from my lawyer on this." See Exhibit K.

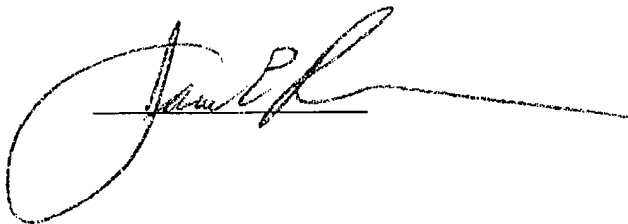
15. In an email to me dated August 10, 2004, Mr. Skalka stated that "I heard from my lawyer and he said not to sign anything until we settle." See Exhibit L.

16. As of September 8, 2004, I had not received an executed declaration, or assignment, for the above-identified application from Mr. Skalka, and I have been informed that the litigation involving Mr. Skalka and Enikia has not been settled.

17. On September 8, 2004 at about 1:00 pm, I contacted Mr. Skalka by telephone and Mr. Skalka stated to me that, under advice of counsel, he continues to refuse to sign the declaration for the above-identified application until the litigation with Enikia settles.

18. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issue thereon.

James Reeber

A handwritten signature in black ink, appearing to read 'James Reeber', with a long horizontal line extending to the right.

September 8, 2004

Norris, McLaughlin & Marcus
721 Route 202-206
Somerville, New Jersey 08876
(908) 722-0700
103880-037US

----- Message from "Reeber, Jim" <jreeber@arkados.com> on Wed, 21 Jul 2004 09:59:07 -0400 -----

To: <fskalka@juno.com>

Subject: Need your address!

Hi Fred,

I need to send you some stuff. Are you still at
630A Palmer Lane
Yardley, PA 19067

Thanks!

We'll talk...

Jim

Jim Reeber
Director of Marketing

Arkados, Inc.
948 US Highway 22
North Plainfield, NJ 07060

-----Original Message-----

From: fskalka@juno.com [mailto:fskalka@juno.com]

Sent: Wednesday, July 21, 2004 1:46 PM

To: Reeber, Jim

Subject: Re: Need your address!

"Director of Marketing" !!!! WOW!!!!

Yeh, I'm still at 630A Palmer Lane, Yardley, Pa 19067

Fred

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----- Message from "Reeber, Jim" <jreeber@arkados.com> on Wed, 21 Jul 2004 13:50:16 -0400 -----

To: <fskalka@juno.com>

Hooray!

Hey, I hope things are going well. Things here are...well...hectic...even more than usual. Perhaps a reunion is in order sometime soon! I'd love to chat.

- JR

-----Original Message-----

From: fskalka@juno.com [<mailto:fskalka@juno.com>]

Sent: Wednesday, July 21, 2004 1:52 PM

To: Reeber, Jim

Subject: RE: Need your address!

Maybe. Let's wait for some legal issues to settle down.

fred

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To: <fskalka@juno.com>

Subject: Declaration & Assignments

Hi Fred,

"Just when you thought it was safe to go back in the water..."

In the interest of trying to get this completed, could you please sign and have notarized the attached documents? You have my word that you will be reimbursed for all expenses...even if I have to meet you somewhere and hand you a 10-spot.

It may give us an opportunity to have a nice lunch!

Thanks! Let me know if you have any questions.

Yours truly,

The Reebbs

Director of Marketing

Arkados, Inc.

948 US Highway 22

North Plainfield, NJ 07060

jreeber@arkados.com <<mailto:jreeber@arkados.com>>

908 769 3232 x212 desk

908 769 0206 fax



Assignment.doc



declaration.doc

> -----Original Message-----

> From: fskalka@juno.com [mailto:fskalka@juno.com]

> Sent: Tue 7/27/2004 6:31 PM

> To: Reeber, Jim

> Cc:

> Subject: RE: Declaration & Assignments

>

>

>

>

> BTW: I signed notarized, and sent you the assignment earlier this

> year, what happened with it?

>

>

> _____
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On Tue, 3 Aug 2004 10:44:30 -0400 "Reeber, Jim" <jreeber@arkados.com>

writes:

>

> Hi Fred,

>

> Just checking in -- the lawyers are still all over me. They want
> these by next Monday. Have you been able to get to it yet?

>

> Thanks!

>

> - JR

-----Original Message-----

From: Fred L Skalka [<mailto:fskalka@juno.com>]

Sent: Tuesday, August 03, 2004 6:27 PM

To: Reeber, Jim

Cc: fskalka@juno.com

Subject: Re: Declaration & Assignments

No

----- Message from "Reeber, Jim" <jreeber@arkados.com> on Tue, 3 Aug 2004 18:31:19 -0400 -----

To: "Fred L Skalka" <fskalka@juno.com>

Subject: RE: Declaration & Assignments

Okay. Well, if you can get around to it very soon, I'd appreciate it! I can meet you somewhere if it's more convenient.

BTW: I checked our records, I believe you previously signed a declaration and assignment for the provisional version of this same patent application. This is for the utility version.

Thanks!

- JR

On Mon, 9 Aug 2004 09:48:48 -0400 "Reeber, Jim" <jreeber@arkados.com>

writes:

> G'morning!

>

> I haven't received the mail yet today, but I wanted to see if you
> were able to get those docs done. If we need to meet somewhere,
> please let me know!

>

> Kind regards,

>

> Jim

>

> Jim Reeber

> Director of Marketing

>

> Arkados, Inc.

> 948 US Highway 22

> North Plainfield, NJ 07060

> jreeber@arkados.com

> 908 769 3232 x212 desk

> 908 769 0206 fax

>

>

>

> -----

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> notify the sender immediately by a "reply to sender only" message
> and destroy all electronic and hard copies of the communication,
> including attachments.

>

From: Fred L Skalka [<mailto:fskalka@juno.com>]

Sent: Monday, August 09, 2004 9:56 PM

To: Reeber, Jim

Cc: fskalka@juno.com

Subject: Re: Patent Docs

I hate to say this, but I'm waiting to here from my lawyer on this.

Ffred

-----Original Message-----

From: Fred L Skalka [<mailto:fskalka@juno.com>]

Sent: Tuesday, August 10, 2004 10:50 PM

To: Reeber, Jim

Cc: fskalka@juno.com

Subject: Re: Patent Docs

I hope so too. I heard from my lawyer today and he said not to sign anything until we settle. I think we are close.

Sorry

Fred